

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK J. SULLIVAN,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION; BINONG XU,

Defendants.

24-cv-3251 (LJL)

AMENDED ORDER
OF SERVICE

LEWIS J. LIMAN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants denied him access to his child’s school records when she was a minor.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

The Court directed service on Xu through the U.S. Marshalls on April 16, 2025. *See* Dkt. No. 23. The Marshalls attempted service but were unable to execute service as the address provided by Plaintiff appears to be incorrect. Plaintiff has now filed a Supplemental Complaint, *see* Dkt. No. 40, and notice suggesting a different address, Dkt. No. 41.

To allow Plaintiff to effect service on Defendant Xu through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals

Service to effect service upon this defendant of the summons and a copy of the Supplemental Complaint at Dkt. No. 40, at the following address:

Binong Xu
256 Chestnut Tree Hill Rd.
Oxford, CT 06478

If the Supplemental Complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

SO ORDERED.

Dated: [August 11, 2025](#)
New York, New York

A handwritten signature in black ink, appearing to read 'L. J. Liman', written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

SERVICE ADDRESS FOR DEFENDANT

Binong Xu

256 Chestnut Tree Hill Rd.

Oxford, CT 06478